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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2611	12

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/191,520

Applicant(s)

HENDRICKS ET AL.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-198 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-198 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pg. 3 of the applicant's arguments, filed 6 January 2003, with respect to the rejection(s) of claim(s) 1, 67, 99, 127, 151, and 169 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.
2. The examiner notes that even though the applicant has made no specific argument to independent claim 142, however, a new rejection will be made in accordance with the other independent claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 15, 16, 19, 24-28, 40-41, 43, 44, 47, 67, 68, 76, 78, 90, 93, 97, 127, 128, 133, 135, 142, 143, 149, 151, 152, 153, 157, 169, 170, and 171 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,517,502 to Bestler et al.

Regarding claim 1, Bestler teaches a cable decoder (fig. 1) for receiving a digital broadcast television program (col. 2, ll. 55-67). Furthermore, Bestler teaches receiving programs (claimed program data) (col. 3, ll. 1-17, col. 4, ll. 17-20), and conditional

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access (CA) packets multiplexed into the transport stream (claimed local authorization code) (col. 3, ll. 18-23) for decrypting the program. Additionally, Bestler teaches memory for storing the authorization code (col. 8, ll. 40-43) until needed for decrypting the program (col. 10, ll. 1-13). Bestler teaches the decoder transmitting a program selection from the decoder to the controller (claimed remote site) (fig. 7, lab 302) where the controller generates and sends the local authorization code (col. 7, ll. 37-40, col. 11, ll. 51-61).

Regarding claim 2, Bestler teaches a tuner (claimed first receiver) and the conditional access module (claimed second receiver) (fig. 1), which is all located in the cable decoder.

Regarding claim 15, Bestler teaches a broadcast interface that receives the broadcast television programs where the interface radio frequency connection. The examiner notes that whereas Bestler is silent on explicitly reciting a "radio frequency connection" as claimed the system of Bestler recognizes that the signals received at the decoder are frequency multiplexed (col. 2, ll. 55-67). Accordingly, the broadcaster inherently must contain a radio frequency connection in order to frequency division multiplex the signals that are sent downstream to the decoder.

Regarding claim 16, Bestler teaches multiplexing the local authorization code with the program (col. 3, ll. 18-22).

Regarding claim 19, Bestler teaches a cable distribution system (col. 2, ll. 55-61), which reads on a cable television network.

Regarding claim 24, Bestler teaches that the remote site includes a cable system headend (see fig. 7).

Regarding claim 25, Bestler teaches sending the program selection to the local cable system and returning the local authorization code (fig. 7; see also discussion of claims 1 and 16).

Regarding claims 26 and 28, the limitations of claim 26 have been addressed in the discussion of claim 16.

Regarding claim 27, the examiner notes that a broadcast affiliate reads on the headend as discussed in claim 25.

Regarding claim 40, Bestler teaches an authorization code addressed to specific terminals (col. 8, ll. 8-13) with an identification code identifies which programs the user is authorized to view (col. 9, ll. 28-42).

Regarding claim 41, Bestler teaches displaying a program (claimed event) for a single display (col. 7, ll. 37-45).

Regarding claims 43, 44, and 47, Bestler teaches IPPV, which reads on a subscription and a specialty channel (col. 7, ll. 37-45).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 14, 17, 18, 20-23, 31-36, 45, 46, 48-53, 55-58 69-75, 80-81, 84, 85, 88-89, 92, 94-96, 99-101, 104-105, 107-111, 113-114, 117-126, 129-131, 134, 137-138, 140, 144-147, 154, 155, 172, 173, and 175-178 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. in view of U.S. Patent 5,600,364 to Hendricks et al.

Regarding claims 3 and 4, Bestler teaches a connection to a video display (col. 3, ll. 31-38), which displays the analog image. However, Bestler is silent on displaying on an analog television. Hendricks teaches converting a compressed image to analog to be displayed on the television (col. 7, ll. 48-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by displaying the decompressed images on the television as taught by Hendricks in order to effectively display the images and information to the user.

Regarding claim 14, Bestler teaches using the upstream channels available within the system for communications; consequently Bestler is silent on alternative upstream channels. Hendricks teaches communicating upstream via a telephone modem (col. 28, ll. 38-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by implementing an telephone modem as taught by Hendricks in order to communicate upstream to select channels and receive authentication.

Regarding claim 17, Bestler is silent on teaching a remote control and the details of a menu and scrolling the program guide for a desired programming. Hendricks teaches a remote control and navigating through a program guide for desired

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programming (col. 12-13, ll. 65-5; col. 13, ll. 23-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using a remote control and navigating through a program guide as taught by Hendricks in order to provide a more user friendly environment for choosing desired programs.

Regarding claim 18, Bestler is silent on a remote control. Official Notice is taken that using one of wired control, infra red control, radio frequency control, or a laser control is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using one of wired control, infra red control, radio frequency control, or a laser control as a transmission mechanism in order to provide a communication channel between the user and the device thereby enabling remote control of the decoder.

Regarding claims 20 and 23, Bestler teaches a cable distribution system and recognizes that other suitable transmission medium can be used. However, Bestler is silent on over-the-air broadcast, where the over-the-air broadcast is provided from a satellite broadcast. Hendricks teaches receiving broadcasting information from a satellite system which reads on over-the-air (col. 3, ll. 10-12).

Regarding claims 21 and 22, Bestler teaches a cable distribution system and recognizes that other suitable transmission medium can be used. However, Bestler is silent on over-the-air broadcast, where the over-the-air broadcast is provided from a national broadcast or from a broadcast affiliate. Official Notice is taken that receiving over-the-air broadcasts provided from a national broadcast and from a broadcast

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affiliate is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by receiving over-the-air broadcasts provided from a national broadcast and from a broadcast affiliate in order to enable a diverse system that receives signals from a plurality of sources thereby enabling more transmission schemes.

Regarding claims 31 and 32, Bestler teaches an authorization codes at the network controller (fig. 7, label 302); additionally the examiner notes that clearly an order is placed in order to authorize the appropriate decoder. Bestler is silent on a remote site. However, Hendricks teaches devices at the headend, specifically the network controller being either co-located or remotely from the headend (col. 15, ll. 16-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using remote devices as taught by Hendricks in order to allow devices to be added, removed, or upgraded whenever necessary.

Regarding claims 33 and 35, Bestler is teaches a system for receiving authorization requests (fig. 7), and recognizes implementing the system for Impulse pay-per-view (IPPV) but is silent on a billing system. Hendricks teaches a billing system for generating a billing record (col. 40, ll. 21-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by generating a billing record at the billing system as taught by Hendricks in order appropriately charge customers for their respective services.



Regarding claims 34 and 36, Bestler is silent on debiting accounts and credit cards, however, Official Notice is taken that debiting accounts and charging credit cards is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by debiting accounts and charging credit cards in order to permit the user to easily purchase services.

Regarding claims 45, 46, and 48, Bestler teaches IPPV, but is silent on a first run movie channel, high definition television channel, and sports events. Hendricks teaches sporting events, hit movies, and recognizes that they can come from any other program source (col. 8, ll. 34-36, col. 13, ll. 51-55). Official Notice is high definition television signals are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using movie channels and sporting events as taught by Hendricks and high definition television channels in order to provide the users with a plurality of video services and options.

Regarding claims 49-53, Bestler is silent on menus. Hendricks teaches a listing of available programs, date/time of broadcasts, program rating, year of production, and biographical data, with a list of actors and program summary (fig. 8a, 8b, 8c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using a menu listing of available programs, date/time of broadcasts, program rating, year of production, and biographical data, with a list of actors and program summary as taught by Hendricks in order to enable the user to navigate and select programs from an easy to use graphical user interface.

Regarding claim 55, Bestler is silent on a menu displayed in a picture-in-picture format. Official Notice is taken that using picture in picture is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using picture in picture in order to enable the viewer to watch current programming while simultaneously browsing the guide for another program.

Regarding claims 56 and 57, Bestler is silent on sub-menus. Hendricks teaches sub-menus providing program selection and program descriptions (see fig. 8a-8c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using sub-menus providing program selection and program descriptions as taught by Hendricks in order to enable the user to navigate and select programs and information from an easy to use graphical user interface.

Regarding claim 58, Bestler is silent on overlay menus and hidden menus. Hendricks teaches overlay menus and hidden menus (col. 13, ll. 56-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using overlay menus and hidden menus as taught by Hendricks in order to enable the user to navigate and select programs and information from an easy to use graphical user interface.

Regarding claim 99, the limitations of claim 99 have been addressed in the discussion of claim 1. Bestler is silent on the program data as a program menu. Hendricks teaches receiving program data as program menu information (col. 24, ll. 3-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Bestler by receiving program menu information as taught by Hendricks in order to keep the data in the menus current with useful information to the user.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. in view of U.S. Patent 5,880,769 to Nemirofsky et al.

Regarding claim 5, Bestler teaches a conditional access unit but is silent on a smart card. Nemirofsky teaches using a smart card and transmitter in a smart card (col. 2, ll. 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by implementing a smart card with a transmitter as taught by Nemirofsky in order to maintain security and automate transactions. Bestler is silent on a digital television. Official Notice is taken that digital televisions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using a digital television in order to provide an integrated digital system thereby reducing the number of components.

8. Claims 6-13, 106, and 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. and U.S. Patent 5,880,769 to Nemirofsky et al. in view of U.S. Patent 5,809,204 to Young et al.

Regarding claim 6, Bestler is silent on second receiver incorporated into the digital television. As discussed in claim 5, the examiner asserts that digital televisions

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are well known in the art. Furthermore, Young teaches that integrating components is well known (col. 12, ll. 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by integrating the first receiver of Bestler into a digital television in order to provide an integrated digital system thereby reducing the number of components.

Regarding claim 7 and 8, claim 7 introduces a third receiver but the examiner notes that it is substantially similar to that of Bestler except that the location is in the digital television. Accordingly, the limitations of claims 7 and 8 have been addressed in the discussion of claims 5 and 6.

Regarding claim 9, Bestler is silent on personal computer with a first receiver, processor, and a transmitter. Official Notice is taken that personal computers are well known and have a first receiver, processor, and a transmittter. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using a personal computer in order to transmit, process, and receive the program selection information thereby enabling the system to receive extra programming and features.

Regarding claim 10, the limitations of claim 10 have been addressed in the discussion of claim 6.

Regarding claim 11, the limitations of claim 11 have been addressed in the discussion of claims 6 and 9.

Regarding claims 12 and 13, Bestler is silent on a connector. However, Official Notice is taken that one of a radio frequency connection, infra red connection, or a wired

connection (such as RS-232) is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using one of a radio frequency connection, infra red connection, or a wired connection (such as RS-232) in order to communicate between devices.

9. Claims 29, 30, 42, 62-66, 77, 79, 82, 83, 91, 98, and 136 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 to Bestler et al.

Regarding claim 29, Bestler is silent on sending the program selection to a national broadcaster and the national broadcaster returning the local authorization code and digital satellite systems. Official Notice is taken that a national broadcaster and digital satellites are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using a national broadcaster in order to enable national broadcasting of information and maintain all the information at a single location.

Regarding claim 30, the limitations of claim 30 have been addressed in the discussion of claims 26 and 28.

Regarding claim 42, Bestler is silent on receiving authorization for multiple displays. Official Notice is taken that providing multiple displays is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by providing multiple displays in order to enable multiple viewings of the program at different locations.

Regarding claims 62 and 63, Bestler is silent on providing hard-copy formats including event codes and program identifiers. Official Notice is taken that hard copy event codes and program identifiers are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using hard copy formats in order to support an additional input to select desired programs.

Regarding claims 64-66, Bestler is silent on using a remote control, soft keyboard, and a keyboard for entering event codes and program identifiers. Official Notice is taken that various input means such as remote control, soft keyboard, or a keyboard are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by support various inputting means, for example a remote control, soft keyboard, or a keyboard for entering event codes and program identifiers in order to allow the user to enter data into the system in an easy to use fashion.

Regarding claims 79, 82, and 83, Bestler teaches IPPV, which reads on a subscription (col. 7, ll. 37-45), but is silent on a monthly or annual subscription, full or partial seasons, or favorite team subscriptions. Official Notice is taken that subscriptions for a time period are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by assigning a time period such as a month or year, or a full or partial season, or for a favorite team in order to permit the user to use a service for a designated period of time.

Regarding claim 98, Bestler teaches authorization but fails to explicitly disclose an event identifier (time and date) and a program identifier. Clearly, the system of Bestler must have a program identifier in order to display the appropriate requested program. Official Notice is taken that event identifiers are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using event identifiers in order to permit the user to view the requested program.

Regarding claim 140, Bestler is silent on high definition television programs and standard definition television programs. Official Notice is taken that high definition television programs and standard definition television programs are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using high definition television programs and standard definition television programs in order to conserve bandwidth (thereby allowing more programs to be broadcasted over the same analog bandwidth channels) and achieve a higher quality video image.

10. Claims 37-39, 106, 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. in view of U.S. Patent 5,745,556 to Ronen.

Regarding claims 37-39, Bestler is silent on a remote site comprising a web page. Ronen teaches a connection to the Internet via an Internet service provider (ISP); the Internet provides information and interactive services, which is sent downstream

and billed to the user, additionally Ronen teaches generating a billing record (col. 4, ll. 24-33; col. 6, ll. 26-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by accessing information and services through a web page and generating a billing record as taught by Ronen in order to receive services through a separate network thereby providing more information and services to the user while appropriating charging customers for the service rendered.

11. Claims 54 and 174 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. in view of U.S. Patent to 5,940,073 to Klosterman et al.

Regarding claim 54, Bestler is silent on menus, consequently is silent on teaches a hypertext link to a web site. Klosterman teaches a hyperlink to a web-site in the EPG, see figures 6(a-c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by implementing a hyperlink to a web site in a menu as taught by Klosterman in order to allow the user to easily gather more information when desired in a user friendly manner.

12. Claims 59, 102, 103, 112, 132, 139, 148, 156, 165, 166, 1677, 183-185, and 193-195 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. in view of U.S. Patent to 5,940,073 to Klosterman et al. and Non-Patent Literature "Prodigy offers total television online guide" (Prodigy)..



Regarding claim 59, Bestler is silent on a menu displayed on a web page of the Internet. Klosterman teaches using the Internet, with the functionality of a homepage, forward, back, and home (fig. 6d). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by accessing the Internet as taught by Klosterman in order to present more information to the user in a easy to use manner. Bestler and Klosterman are silent on viewing a menu via the Internet. Prodigy discloses providing EPG data accessible through the Internet (whole document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Bestler and Klosterman by accessing online resources to acquire a guide as taught by Prodigy in order to provide an online resource accessible through the television thereby allowing the user to explore programs in other markets and increase searching capabilities.

Regarding claims 165, 166, 183, 184, 193-194, Bestler is silent on a menu displayed on a web page of the Internet. Klosterman teaches using the Internet, with the functionality of a homepage, forward, back, and home (fig. 6d). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by accessing the Internet as taught by Klosterman in order to present more information to the user in a easy to use manner. Bestler and Klosterman are silent on viewing a menu via the Internet. Prodigy discloses providing EPG data accessible through the Internet (whole document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Bestler and Klosterman by accessing online resources to acquire a guide as

taught by Prodigy in order to provide an online resource accessible through the television thereby allowing the user to explore programs in other markets and increase searching capabilities.

13. Claims 60-61, 86, 87, 115, and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 Bestler et al. in view of U.S. Patent 5,317,391 to Banker et al.

Regarding claim 60, Bestler is silent on a time out feature, Banker teaches a time out (fig. 9D). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using time outs to deauthorize the display and prevent charges.

Regarding claim 61, Bestler is silent on the time out feature. Official Notice is taken that the time out feature is in effect prior to the display of the program selection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using a time out feature prior to displaying in order to inhibit unauthorized viewing of programs.

14. Claims 150, 158-164, 168, 179-182, 186-192, and 196-198 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,517,502 to Bestler et al. in view of U.S. Patent 5,374,951 to Welsh and U.S. Patent 5,410,344 to Graves et al.

Regarding claims 158-160, 171, 179-181, 188-192, Bestler is silent on teaching gathering subscriber data for providing a subscriber specific menu. Welsh teaches

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gathering subscriber data (Abstract) and Graves teaches providing a menu with subscriber data (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by gathering subscriber data and providing a menu with subscriber data, wherein the data for the subscriber data is the watched data as taught by Welsh and Graves in order to facilitate the user in retrieving desired programs in a user friendly interface.

Regarding claims 161-164 and 182, 195, 198, Bestler is silent on teaching transmitting the gathered information back to a remote location. Welsh teaches an audience monitoring system, which transmits gathered programs to a central computer (Abstract) via a modem (col. 5, ll. 64-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by transmitting gathered programs to a central computer via a central computer in order to efficiently target programs and commercial toward users.

Regarding claim 168, Bestler is silent on out of band data. Official Notice is taken that out of band data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bestler by using out-of-band data in order to efficiently use the bandwidth of the video signal thereby providing more information to the user for creating a user-friendly environment.

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

ayk  
March 23, 2003

  
**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**